

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

EZEKIEL DAVIS,)	
)	
Plaintiff,)	
vs.)	NO. CIV-17-0903-HE
)	
GEO CORRECTIONS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff Ezekiel Davis, a state prisoner appearing *pro se*, filed this § 1983 action alleging violations of his constitutional rights. Pursuant to 28 U.S.C. §636(b)(1)(B), (C), the matter was referred to Magistrate Judge Suzanne Mitchell for initial proceedings. Plaintiff has filed a motion seeking leave to proceeding *in forma pauperis* (“*ifp*”) and the magistrate judge recommends that the motion be denied and the action be dismissed without prejudice unless plaintiff pays the full \$400 filing fee within twenty-one days from the date of any order adopting the Report and Recommendation (“Report”).

In her Report the magistrate judge notes that, because plaintiff has accumulated three strikes, he is not allow to proceed *ifp* unless he demonstrates that he is in imminent danger of serious physical harm. She recommends that plaintiff’s request for *ifp* status be denied based on her conclusion that plaintiff failed to plausibly allege that he was under any imminent danger of serious bodily injury at the time he filed this action,

Plaintiff failed to object to the Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. §636(b)(1)(C).

Accordingly, the court **ADOPTS** Magistrate Judge Mitchell's Report and Recommendation and **DENIES** plaintiff's motion to proceed *ifp* [Doc. #2]. Unless plaintiff pay the full \$400 filing fee by **January 8, 2018**, this action will be dismissed without prejudice.

IT IS SO ORDERED.

Dated this 18th day of December, 2017.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE